

73-3-27 Requests for segregation or consolidation.

- (1)
 - (a) Upon written request, the state engineer shall segregate into two or more parts the following in the state engineer's records:
 - (i) an application to:
 - (A) under Section 73-3-2, appropriate water;
 - (B) under Section 73-3-3, permanently change:
 - (I) the point of diversion;
 - (II) the place of water use; or
 - (III) the purpose of water use; and
 - (ii) a water right for which:
 - (A) the state engineer has issued a certificate according to Section 73-3-17;
 - (B) a court has entered a judgment according to Section 73-4-15; and
 - (C) a person has filed a claim according to Section 73-5-13.
 - (b) A person shall:
 - (i) submit the request authorized by Subsection (1)(a) on a form furnished by the state engineer; and
 - (ii) include:
 - (A) the water right number to be segregated;
 - (B) the name and post-office address of the owner of the application or water right;
 - (C) a statement of the nature of the proposed segregation;
 - (D) the reasons for the proposed segregation; and
 - (E) other information the state engineer may require to accomplish the segregation.
- (2)
 - (a) An action taken by the state engineer on an application or water right before segregation is applicable in all respects to the segregated parts of the application or water right.
 - (b) After the state engineer segregates the application or water right, each segregated part is a separate application or water right in the state engineer's records.
 - (c) The segregation of an application or a water right in the state engineer's records does not:
 - (i) confirm the validity or good standing of the segregated parts of the application or water right; or
 - (ii) extend the time for the construction of works for an application.
- (3) Upon written request, the state engineer may consolidate two or more applications or water rights if the applications or water rights:
 - (a) are from the same source;
 - (b) have the same priority date; and
 - (c) are sufficiently consistent in definition that the consolidated application or water right may be described without referring to the characteristics of the individual application or water right that existed before consolidation.

Amended by Chapter 247, 2009 General Session